IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 13528 of 2007(I)

PETITIONER:

M/S.RATHAN AND COMPANY, A PARTNERSHIP FIRM, ERNAKULAM REPRESETNED BY THE MANAGING PARTNER, A.D.RATNAKARA SHENOY, AGED 61 YEARS, RESIDING AT DAMODAR NIVAS, T.D.ROAD,ERNAKULAM.

BY ADV. SRI.P.S.USUPH
SRI.P.U.ZIYAD

RESPONDENTS:
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1. STATE OF KERALA, REPRESETNED BY THE CHIEF SECRETARY , KERALA STATE, TRIVANDRUM.

2. CITY COMMISSIONER OF POLICE, ERNAKULAM, KOCHI-31.

3. C.NAJEEB, AGED ABOUT 45 YEARS, S/O.K.K.MOIDEU, ARCHITECT,RESIDING AT THAMANA, SRM ROAD, ERNAKULAM, KOCHI-18.

4. PUZHAKARA ABDUL NAZAR, AGED 48 YEARS, S/.T.U.UMMER, NRI PUZHAKKARA HOUSE, NEW MAHI, ZHEEKAL DESOM KODIYERI AMSOM, THALASSERY TALUK,KANNUR DISTRICT NOW C/O.3RD RESPONDENT.

BY ADV. SRI.S.SREEKUMAR
SRI.N.M.MOHAMMED AYUB
By GOVERNMENT PLEADER SRI. P.A. SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE PLAINT IN O.S.300/2007 OF THE MUNSIFF COURT, ERNAKULAM.

EXT.P2: COPY OF INJUNCTION APPLCIATION I.A.2340/07 IN O.S.300/2007 DO. DO.

EXT.P3:COPY OF INJUNCTION DATED 12.3.2007 PASSED IN I.A.NO.2340/07 IN O.S.300/2007 OF DO. DO. WITH INJUCNTION SCHEDULE.

EXT.P4: COPY OF COMMISSION REPORT DATED 20.3.2007 SUBMITTED TO ADVOCATE COMMISSIOENR IN O.S.300/2007 WITH ROUGH SKETCH IN DO.DO.

EXT.P5: COPY OF I.1. NO.2564/2007 DATED 14.3.2007 WITH AFFIDAVIT IN O.S.300/2007

EXT.P6: COPY OF COUNTER AFFIDAVIT DATED 14.3.2007 IN I.A.2340/2007 IN O.S.300/2007.

EXT.P7: COPY OF THE REPLY AFFIDAVIT DATED 17.3.2007 IN I.A.2340/2007 IN DO.DO.

EXT.P8: COPY OF I.A.2952/2007 WITH AFFIDAVIT DATED NIL.

EXT.P9: COPY OF I.A. NO.2955/2007 WITH AFFIDAVIT DATED 24.3.2007 IN DO. DO.

EXT.P10: COPY OF BUILDING PERMIT PRODUCED IN O.S.300/2007.

EXT.P11: COPY OF PETITION DATED 16.4.2007 SUBMITTED TO CITY COMMISSIOENR OF POLICE, ERNKAULAM.

// True Copy .//

P.S. to Judge.

P.R. RAMAN & K. HEMA, JJ.

W.P.(C).No.13528 of 2007

Dated this the 28th day of May, 2007.

JUDGMENT

Raman, J.

The prayer in the writ petition is for a direction to the second respondent to give necessary police protection to the building covered by Ext.P3 injunction order passed by the civil court and keep it safe from being demolished either wholly or partly by respondents 3 and 4 and their servants till the disposal of the writ petition.

2. Parties have entered appearance and filed their pleadings. This Court by order dated 20.4.2007 granted interim order as prayed for till 23.5.2007 and extended thereafter. In the facts and circumstances of the case, we direct that the said order will continue in force subject to any orders that may be passed by the civil court. In this connection, it is contended by learned counsel appearing for third respondent that he is only attempting to demolish that part of the building which he has purchased without causing any danger to the property of the petitioner. If that be so, it is open to third respondent to approach the civil court for any modification or clarification of Ext.P3 injunction order or any such order passed by the civil court.

With the above observation, the writ petition is closed.

Sd/-

P.R. RAMAN, JUDGE.

Sd/-

K. HEMA, JUDGE.

Krs. // True Copy //